

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	<b>SACV 11-0485 AG (AJWx)</b>	Date	October 3, 2011
Title	LISA LIBERI, et al. v. ORLY TAITZ, et al.		

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Present: The Honorable	ANDREW J. GUILFORD
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Lisa Bredahl	Not Present	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	

**Proceedings: [IN CHAMBERS] OMNIBUS ORDER DENYING VARIOUS LETTER REQUESTS AND NOTIFYING PARTIES THAT IMPROPER BRIEFS WILL BE REJECTED**

There are currently four letter requests pending before the Court. On its own motion, the Court also raises the issue of improper briefs filed with the Court. The Court addresses all five issues below.

**1) Orly Taitz, Inc.'s Request to Correct the Docket and For Leave to File a Motion to Dismiss**

On August 24 and 26, and September 2, 2011, Defendant Orly Taitz, Inc. ("OTI") petitioned this Court to remove it from the August 19, 2011 Order Granting Motion to Stay Pending Anti-SLAPP Appeal ("Order to Stay"). (Dkt. No. 357.) OTI also seeks leave to file a Motion to Dismiss.

The Court forcefully reminds Defendant OTI, and all other parties, that this is not the only case in its docket. Multiple letters on the same topic are not necessary nor welcome.

In fact, the Court has *already* addressed this precise issue. On August 23, 2011, the Court

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issued an Order Denying OTI's Request for Leave to File a Motion to Dismiss. (Dkt. No. 359.) The Court found that OTI did file an appeal and thus the case was stayed as to OTI. (See Dkt. Nos. 289 and 300.) In fact, OTI asked this court for a stay pending the appeal. (Dkt. Nos. 278 and 310.) To secure the "just, speedy, and inexpensive determination" of this case, this Court will not stay this case as to certain Defendants associated with Orly Taitz while permitting others to go forward. F.R.C.P. 1.

The Court DENIES OTI's request to amend the Order to Stay and DENIES OTI's request to file a Motion to Dismiss. Any other letters or Motions on this matter are MOOT and will not be addressed.

**2) Orly Taitz's Request Seeking Litigation History and Bond**

Defendant Orly Taitz ("Taitz") filed a letter request seeking to file (1) a motion to request the litigation history of all Plaintiffs for the past six years, and (2) a motion seeking a bond from Plaintiffs for the costs of defending this action. The Court sees no reason to request extended litigation histories from Plaintiffs, nor to impose a burden on Plaintiffs that is not also borne by Taitz. The Court finds no possible basis for a bond.

Both of Taitz's requests are DENIED.

**3) Plaintiffs' Request to File a Motion to Join Yosef Taitz**

Plaintiffs filed a letter dated August 23, 2011 requesting leave to file a Motion to Join Yosef Taitz to this action. Plaintiffs previously stipulated to dismiss Yosef Taitz in his individual capacity, but now seek to add him in his professional capacity based on allegedly new evidence.

This case has been pending since 2009. It is far too late to begin adding new defendants, especially ones that Plaintiffs could have added before.

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Plaintiffs' Request is DENIED.

**4) Plaintiffs' Request to File a Temporary Restraining Order**

Plaintiffs filed a letter dated September 16, 2011, seeking leave to file a Temporary Restraining Order ("TRO") against Taitz, to stop her from posting "false" statements on the internet.

This case is currently stayed as to Taitz, pending appeal of Defendants' anti-SLAPP suit. The Court does not have the power to issue a TRO in this case until that stay is lifted. Also, granting a TRO while an anti-SLAPP appeal is pending would undermine Defendants' appeal, which complains that Plaintiffs are improperly utilizing the court system to curtail their right to free speech.

Even after the stay is lifted, this Court likely would not grant Plaintiffs' request. Prior restraint of speech is strongly disfavored, even when the content of speech is not itself constitutionally protected. *See Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 559 (1976) ("prior restraints on speech and publication are the most serious and least tolerable infringement on First Amendment rights"); *Near v. Minnesota*, 283 U.S. 697, 704-705 (1931) (rejecting restraint of publication of any periodical containing "malicious, scandalous and defamatory" matter).

Although Taitz's speech concerns courtroom proceedings, that fact alone does not extend this Court's power to issue a TRO. *See Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1057(1991) (finding that attorney who held a press conference after client was indicted was entitled to full protection of First Amendment). In rare instances, pretrial publicity may be curtailed if there is a "substantial likelihood of materially prejudicing an adjudicative proceeding in the matter." Cal. Bar R. of Prof. Conduct 5-120(A). But material prejudice only exists if it is "clear that further publicity, unchecked, would so distort the views of potential jurors that 12 could not be found who would ... fulfill their sworn duty." *Nebraska Press*, 427 U.S. at 569. Taitz's current postings do not rise to

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that level.

The Court DENIES Plaintiffs' Request.

**5) Notice To Parties That Improper Briefs Will Be Rejected**

Several briefs filed with this Court do not conform to the Local Rules. For example, there have been several instances where the caption page is not in accordance with the Local Rule 11-3.8. (*See, e.g.*, Dkt. No. 377.) The Local Rules exist to facilitate the prompt and efficient administration of justice. When the parties do not follow the Local Rules, it imposes a burden on the Court and is unfair to other litigants who seek the Court's time. In the future, the Court will summarily deny, with leave to amend, any Motions not filed according to the Local Rules.

**DISPOSITION**

The Court DENIES Orly Taitz, Inc.'s Request to Correct the Docket and For Leave to File a Motion to Dismiss. Any other letters or Motions on this matter are MOOT and will not be addressed.

The Court DENIES Orly Taitz's Request Seeking Litigation History and Bond.

The Court DENIES Plaintiffs' Request to File a Motion to Join Josef Taitz.

The Court DENIES Plaintiffs' Request to File a Temporary Restraining Order.

The Court provides NOTICE to all Parties that any briefs not filed in accordance with the Local Rules will be denied, with leave to amend.

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